

November 3, 2005

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

MINUTES

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE EXECUTIVE COMMITTEE. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Executive Committee of the Southern California Association of Governments held its meeting at the SCAG offices in downtown Los Angeles. The meeting was called to order by the President Toni Young, Councilmember, City of Port Hueneme. There was a quorum.

Committee Members Present

Councilmember Toni Young	President
Supervisor Yvonne Burke	1 st Vice President
Supervisor Gary Ovitt	2 nd Vice President
Councilmember Harry Baldwin	Chair TCC
Councilmember Deborah Robertson	Chair, CEHD
Councilmember Dennis Washburn	Chair, EEC
Councilmember Sid Tyler	Chair, Admin

Others Present

Councilmember Richard Dixon	Regional Council Member
Jim Coyle	Deputy, Sup. Gary Ovitt
David Ryu	Deputy, Sup. Yvonne Burke

Staff Present

Mark Pisano, Executive Director
Heather Copp, Chief Financial Officer
Karen Tachiki, Chief Counsel
Hasan Ikhrata, Director, Planning & Policy
Keith Killough, Director, Information Services
Don Rhodes, Manager, Governmental Affairs
Diane Cunningham, Business Support Supervisor
Les'le Blocker, Administrative Secretary
Shelia Stewart, Executive Assistant

1.0 CALL TO ORDER

**President Young
Chair**

2.0 PUBLIC COMMENT PERIOD

Councilmember Richard Dixon, Chair, OCCOG, presented comments regarding investigation of the OCCOG's Executive Director. He stated that the attorney for OCCOG has not had an opportunity to complete his investigation and therefore would like the opportunity to present his findings as it relates to the investigation. A letter was mailed requesting that the Executive Committee delay release of the report by Colin Lennard for one month. OCCOG is also requesting that SCAG's President, Chair of OCCOG and appropriate staff meet with Caltrans as a group and discuss the issue prior to the release of the report.

3.0 DISCUSSION/ACTION ITEMS

3.1 Approval Items

3.1.1 Approval of October 10, 2005 Minutes

It was MOVED (Ovitt), SECONDED (Baldwin) and UNANIMOUSLY APPROVED.

3.1.2 Goods Movement – Mitigation Strategy

Hasan Ikhata, Director, Planning & Policy, gave an overview and next steps on the Port and Modal Study. He stated that a joint meeting of the Policy Committees and Regional Council has been scheduled and will be presented at the joint meeting.

3.1.3 Proposed Bylaws Changes

The Bylaws Committee met on September 21, 2005 to consider various changes to the Bylaws which have been raised throughout the course of the year. The committee agreed upon the following changes:

With regard to the Administration Committee, the President would be given the discretion to appoint additional RC members to the Committee in the event that a subregional organization is not otherwise represented on the Committee.

With regard to each Policy Committee, the President to the extent practicable is to appoint an equal number of members taking into consideration factors such as regional representation, geographical balance, and diversity of views.

With regard to the quorum of the Executive Committee, in the event that there is a vacancy in the membership of the Committee, the quorum would be reduced from 5 to 4 members.

With regard to the selection of Officers of the RC, every fourth year a County representative would be selected for the office of second Vice-

President. This would eliminate the currently specified three year rotation for the office of President. Since the rotation would occur at the second Vice-President position, there would be no need to have the “catch up” provisions regarding the office of the President.

It was MOVED (Tyler), SECONDED (Ovitt) and UNANIMOUSLY APPROVED.

3.1.4 Federal and State Legislative Update

The following report was presented to the Executive Committee by the C2 Group:

Budget Debate: Due to Katrina and fear of an Avian Flu outbreak, legislators are trying to find budget resources for relief (\$50-200b dollars worth). Republicans don't want to increase deficit and are hoping to find budget cuts. This ideology is gaining ground among all parties. SAFETEA-LU funding and earmarks are in jeopardy, but it is believed that the earmarks in SAFETEA-LU will not provide budget savings needed and therefore, it is unlikely that earmarks will be cut.

There is a larger chance that a budget cut will take the form of an “across-the-board” cut of 1-2% for all appropriations bills. It was reported that This would reduce formula and discretionary earmarked funds, but is the least politically painful.

SAFETEA-LU. Currently FHWA and FTA are engaged in rulemaking for the planning regulations. This bill is getting more light in general due to the budget process.

CBO Highway Trust Fund projections. CBO released a report on early projections for the highway trust fund. In FY2009, SAFETEA-LU effectively bankrupts the HTF. With increase in fuel and reduced consumption, there is a potentially severe impact on HTF receipts. This trend would cause HTF to have insufficient funds in 2008. Further, planned conservation measures by many corporations and agencies would mean HTF depletion in 2007. This further drives the argument for innovative finance tools.

SAFETEA-LU Commissions. Two new commissions were formed in SAFETEA-LU. One was for the future of highway/transit finance and one was on the future of infrastructure. DOT is arguing to merge the two commissions into one large commission and combine tasks. Either way this would provide a venue to get many issues out on the table. FY2006 appropriations. The House and Senate have passed a bill with very few earmarks. Transportation Appropriations committee staffs are meeting this week and are unlikely to finish by next week.

Congress may hold back 1 or 2 appropriations bills to serve as a miniomnibus or for leveraging purposes. The idea of not doing an appropriations bill, but just doing a CR through FY2007 has been discussed.

Eminent Domain Legislation (H.R. 4128). In response to Supreme Court decision, this bill has been introduced. It would allow the use of eminent domain powers if beneficial to communities. H.R. 4128 would limit the ability of a public entity to use ED if project will be operated privately. Congressional Schedule. Congress is still scheduled to adjourn on November 18; however, this is highly unlikely since they still must take up the Budget Reconciliation, Appropriations bills and a Supreme Court Nominee. They will most likely have to come back to session in December. There is a WTO conference on Dec. 8 and they may come back after that.

4.0 PRESIDENT REPORT

No report presented at this time.

5.0 REVIEW OF THE REGIONAL COUNCIL AGENDA

Mark Pisano stated that the Comprehensive Plan was the focus of the meeting, however he noted that a Goods Movement workshop had been scheduled immediately following the policy committees.

6.0 EXECUTIVE DIRECTOR'S REPORT

A reported was not presented due to the time and the scheduling of a lengthy closed session.

7.0 LEGAL COUNSEL REPORT

7.1 Closed Session

- Writ of Mandate re: Board of Control Decision on, Statutes 1980 Ch. 1143 Claim No. 3929 Before the Commission on State Mandates (RHNA Determination Cost Reimbursement- Council of Governments). Code Section Conference with Legal Counsel pursuant to Government 54956.9 Pending Litigation (one potential case)."

No closed session was held

- Conference with Legal Counsel – potential litigation Audit issues: San Gabriel Valley Council of Governments and Orange County Council of Governments. Significant Exposure to litigation pursuant to Section 54956.9(b)

Two (2) potential cases.

A report given by General Counsel will be forwarded to the Regional Council.

- Havens v. SCAG
Havens v. Southern California Association of Governments,
Los Angeles County, Case No. BC 324931
Conference with Legal Counsel re: pending litigation
Pursuant to Government Code section §54956.9(a)

No closed session was held.

8.0 ADJOURNMENT

The next meeting will be held on Thursday, December 1, 2005.

Mark Pisano, Executive Director